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RL J. KUNASEK
CHAIRMAN
JIM IRVIN
COMMISSIONER
WILLIAM A. MUNDELL
COMMISSIONER



BRIAN C. McNEIL
EXECUTIVE SECRETARY

ARIZONA CORPORATION COMMISSION

DATE: November 24, 1999
DOCKET NO.: W-02392A-99-0610

TO ALL PARTIES:

Enclosed please find the recommendation of Hearing Officer Marc E. Stern. The recommendation has been filed in the form of an Order on:

BLUE GOOSE WATER COMPANY
(CANCEL CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Hearing Officer by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

DECEMBER 3, 1999

The enclosed is NOT an order of the Commission, but a recommendation of the Hearing Officer to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

DECEMBER 7, 1999 AND DECEMBER 8, 1999

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250.

BRIAN C. McNEIL
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 CARL J. KUNASEK
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 WILLIAM A. MUNDELL
COMMISSIONER
5

6 IN THE MATTER OF THE APPLICATION OF
BLUE GOOSE WATER COMPANY TO CANCEL
7 ITS CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. W-02392A-99-0610

DECISION NO. _____

8 **ORDER**

9 Open Meeting
December 7, and 8, 1999
10 Phoenix, Arizona

11 **BY THE COMMISSION:**

12 On October 26, 1999, Blue Goose Water Company ("Company" or "Applicant") filed with
13 the Arizona Corporation Commission ("Commission") an application which requested that the
14 Commission cancel its Certificate of Convenience and Necessity ("Certificate").

15 On November 8, 1999, the Commission's Utilities Division ("Staff") filed its Report
16 recommending approval of the cancellation of the Company's Certificate.

17 * * * * *

18 Having considered the entire record herein and being fully advised in the premises, the
19 Commission finds, concludes, and orders that:

20 **FINDINGS OF FACT**

21 1. Pursuant to authority granted by the Commission in Decision No. 52444 (September
22 4, 1981) the Company, an Arizona corporation, was granted a Certificate to provide public water
23 service to an area consisting of approximately 260 acres near Chandler, Maricopa County, Arizona.¹

24 2. On October 26, 1999, the Company filed an application requesting that its Certificate
25 be cancelled because it is a defunct corporation.

26 3. At the present time, Applicant neither has any facilities nor serves any customers

27 _____
28 ¹ On August 10, 1987, Applicant's articles of incorporation were revoked because it failed to file its
corporate annual report with the Commission.

1 within its certificated service area.

2 4. Prior to the application herein, on August 2, 1999, a Complaint was filed against the
3 Company by PH-Rielly Orange Groves, L.L.C., ("PH Rielly") in Docket No. W-02392A-99-0434.
4 PH Rielly requested that a parcel of property which it owns consisting of the 260 acres that are the
5 certificated service area of the Applicant, be deleted from the Company's Certificate.

6 5. There are no refunds due for any outstanding security deposits, main extension
7 agreements or meter and service line installations.

8 6. The Company has waived its rights to a hearing with respect to the application herein.

9 7. On November 8, 1999, Staff filed its report recommending the cancellation of the
10 Company's Certificate without a hearing.

11 8. Staff's recommendation is reasonable.

12 **CONCLUSIONS OF LAW**

13 1. The Company is a public service corporation within the meaning of Article XV of the
14 Arizona Constitution and A.R.S. §§ 40-252, 40-281 and 40-282.

15 2. The Commission has jurisdiction over the Company and the subject matter of the
16 application.

17 3. The public convenience and necessity require that the public would benefit from the
18 cancellation of Applicant's Certificate.

19 4. The cancellation of the Company's Certificate would benefit the public interest.

20 5. Staff's recommendation should be adopted and the Certificate of the Company should
21 be cancelled without a hearing.

22 6. The Commission should cancel the Company's Certificate and rescind Decision No.
23 52444.

24 **ORDER**

25 IT IS THEREFORE ORDERED that the application of Blue Goose Water Company to cancel
26 its Certificate of Convenience and Necessity be, and is hereby, approved.

27 ...

28 ...

1 IT IS FURTHER ORDERED that Decision No. 52444 be rescinded and the Certificate of
2 Convenience and Necessity granted therein be, and hereby is, cancelled.

3 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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6
7 CHAIRMAN

COMMISSIONER

COMMISSIONER

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9
10 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
11 Secretary of the Arizona Corporation Commission, have
12 hereunto set my hand and caused the official seal of the
13 Commission to be affixed at the Capitol, in the City of Phoenix,
14 this ____ day of _____, 1999.

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BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____
MES:bbs

1 SERVICE LIST FOR:

BLUE GOOSE WATER COMPANY

2 DOCKET NO.

W-02392A-99-0610

3
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